

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**June 29, 1999**

DIVISION ONE

B127314     Los Angeles County, D.C.F.S.  
              v.  
              Paulette P.

B131469     Los Angeles County, D.C.F.S.  
              v.  
              Paulette P.

Filed order consolidating above captioned appeals.

B125483     Wolf et al.                                 (Not for Publication)  
              v.  
              Gross

The order is affirmed.

Spencer, P.J.

We concur:    Ortega, J.  
                      Masterson, J.

B120352     Garvin Fire Protection Systems, Inc.     (Not for Publication)  
B120523     v.  
              Safeco Insurance Company of America

The orders are affirmed. Safeco is entitled to its costs of appeal.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.  
                      Masterson, J.

DIVISION ONE (Continued)

B127873      Maccabee      (Not for Publication)

v.

Superior Court, Los Angeles County  
(Your Show Corporation et al., r.p.i.)

The petition is granted. The trial court's order of October 14, 1998, finding Dan S. Maccabee guilty of contempt, and its order of November 6, 1998, ordering Maccabee to pay the fees and costs incurred by Your Show Corporation are vacated. Maccabee is awarded his costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur:   Ortega, Acting P.J.  
                    Masterson, J.

B123730      People v. Boudreau      (Not for Publication)

B126086      In re Boudreau on Habeas Corpus

The judgment is affirmed. The petition for a writ of habeas corpus is denied.

Vogel (Miriam A.), J.

We concur:   Ortega, Acting P.J.  
                    Masterson, J.

B118906      People      (Not for Publication)

v.

Guzman et al.

The judgments are affirmed.

Spencer, P.J.

We concur:   Ortega, J.  
                    Vogel (Miriam A.), J.

### June 29, 1999-Continued

## DIVISION ONE (Continued)

B125197 People (Not for Publication)  
v.  
Wagner

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B122959 Victor (Not for Publication)  
v.  
City of Manhattan Beach et al.

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

B131325 Enrique R. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Department of Children & Family Services, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B129367      People                                  (Not for Publication)  
v.  
Victor Hugo G.

The order is reversed insofar as it sentences appellant to a felony term of confinement. In all other respects, the order is affirmed. The court is directed to consider and decide whether appellant should be treated as a felon or as a misdemeanor and to adjust his maximum term of confinement if necessary.

Spencer, P.J.

I concur: Masterson, J.  
I dissent: Ortega, J. (Opinion)

B123849 People v. Boudreau (Not for Publication)  
B126118 In re Boudreau on Habeas Corpus

The judgments are affirmed. The petition is denied.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

B109835      Franks      (Not for Publication)  
v.  
Southland Corporation et al.

The judgments are affirmed. Defendants are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.  
Masterson, J.

DIVISION ONE (Continued)

B125285	McKelvey et al.	(Not for Publication)
B125298	v. Boeing North American, Inc., et al.	
B130137	Boeing North American, Inc., et al. v. S.C.L.A. Adams et al.	
B130146	Boeing North American, Inc., et al. v. S.C.L.A. Davis et al.	

In McKelvey and Aurness (Nos. B125285 and B125298), the judgments are affirmed. In Adams and Davis (Nos. B130137 and B130146), the petitions are granted, and peremptory writs shall issue commanding the trial court (1) to vacate its orders on the demurrers and (2) to issue new orders sustaining the demurrers without leave to amend. Boeing is entitled to its costs of both the appeal and of the writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.  
Masterson, J.

B119697	People	(Not for Publication)
	v. Lopez	

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

### June 29, 1999-Continued

## DIVISION ONE (Continued)

B124433 People (Not for Publication)  
v.  
Underhill

The sentence is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

B124554 People (Not for Publication)  
v.  
Bingochea and Zamorano

The judgments are affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Masterson, J.

B117785	99 Cents Only Stores	(Not for Publication)
	v.	
	Bryan Cave, L.L.P.	

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

## DIVISION ONE (Continued)

B099893 Ford et al. (Not for Publication)  
B100994 v.  
Applied Laser Systems, Inc. et al.  
Cohn

The award of punitive damages in favor of plaintiff Ford is stricken. The judgment is reversed to the extent it is against defendants Ahmad and Patridge and in favor of plaintiff Paul and cross-complainant Cohn; the trial court is directed to enter judgment in favor of Ahmad and Patridge and against Paul and Cohn. The trial court is further directed to enter a cost award in favor of ALS, Ahmad and Patridge and against Paul and Cohn, and to enter a cost award in favor of Ahmad and Patridge and against Ford. In all other respects, the judgment and orders appealed from are affirmed. Defendants are to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.  
Vogel (Miriam A.), J.

## DIVISION TWO

B119121      People                                  (Not for Publication)  
v.  
Clarence D. Lee

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

## DIVISION TWO (Continued)

B120203      People                                  (Not for Publication)  
v.  
Robert St. John

The judgment is modified to reflect a \$200 fine pursuant to Penal Code section 120.45 to be suspended unless appellant's parole is revoked, a \$50 state penalty assessment pursuant to Penal Code section 1464, subdivision (a), and a \$35 county penalty assessment pursuant to Government Code section 76000, subdivision (a). The abstract of judgment is to be amended to reflect these fines. In all other respects, the judgment is affirmed.

Nott, Acting P.J.

We concur: Zebrowski, J.  
Mallano, J. (Assigned)

B124332 People (Not for Publication)  
v.  
Juan Salvador Rios

The judgment is affirmed.

Boren, P.J.

We concur: Zebrowski, J.  
Mallano, J. (Assigned)

B125056 Theresa Horne (Not for Publication)  
v.  
Stanley Horne

The order appealed from is affirmed.

Nott, J.

We concur: Boren, P.J.  
Zebrowski, J.



DIVISION TWO (Continued)

B114180      John C. Bedrosian      (Not for Publication)  
v.  
National Medical Enterprises, Inc.

The matter is remanded to the trial court with directions to modify the judgment to: (1) include LTIP and SIP awards for 1994 and 1995; (2) reflect a PIP option deadline of December 22, 1995; (3) award Bedrosian appropriate pre-judgment interest; and (4) exclude from the judgment \$54,252,50 reflecting interest on repayment of loans by Bedrosian and related attorney fees. In view of the above modifications to the judgment, the trial court shall redetermine party has the net recovery and determine anew the prevailing party at trial for the purposes of costs. In all other respects, the judgment is affirmed. Costs on appeal shall be assessed by the trial court, consistent with the attorney fees and costs provision in Bedrosian's 1990 employment contract.

Boren, P.J.

We concur:    Zebrowski, J.  
                  Mallano, J. (Assigned)

B129470      Maggie Herrera-Ihrke      (Not for Publication)  
v.  
S.C.L.A.  
Clippinger Chevrolet, Oldsmobile, Geo, Inc., et al.

Let a peremptory writ of mandate issue directing the superior court to set aside its order compelling petitioner to produce her psychological/psychiatric records, and to undergo a mental examination and a second physical examination. The superior court is directed to conduct further proceedings in order to allow Clippinger an opportunity to demonstrate that a diagnosis to reflex sympathetic dystrophy requires an examination of petitioner's psychological/psychiatric records, a mental examination, and a second physical examination. The parties are to bear their own costs.

Nott, Acting P.J.

We concur:    Zebrowski, J.  
                  Mallano, J. (Assigned)

DIVISION THREE

B083480 Rygiol (Not for Publication)  
v.  
Bench

The judgment in favor of Rygiol and against the limited partners is reversed.

The judgment in favor of the limited partners and against Rygiol is affirmed.

The judgment notwithstanding the verdict which vacated the punitive damage award is affirmed.

Rygiol's motion to admit new documentary evidence is denied.

Each party to bear their own costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B118296      Weidmann                      (Not for Publication)  
v.  
Sonnenschein, Nath & Rosenthal, et al.

The judgment is affirmed. Costs on appeal awarded to defendants Contreras, Ring, and Sonnenschein Nath & Rosenthal.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

DIVISION THREE (Continued)

B107448      Sanford et al.                      (Not for Publication)  
                 v.  
                 Mojave Ore Corporation

The judgment and order imposing sanctions are affirmed. Costs on appeal awarded in favor of respondent Mojave Ore Corporation.

Kitching, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B119470      People                                      (Not for Publication)  
                 v.  
                 Bryant

The judgment is affirmed.

Kitching, J.

We concur:   Klein, P.J.  
                 Aldrich, J.

B118871      People                                      (Not for Publication)  
                 v.  
                 Thomas

The judgment is affirmed.

Kitching, J.

We concur:   Klein, P.J.  
                 Croskey, J.

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.  
Aldrich, J.

B114681 People (Certified for Partial Publication)  
v.  
Jones

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B095911 Yamaha Corp. of America (Certified for Publication)  
v.  
State Board of Equalization of the State of California

The judgment is reversed. Costs on appeal are awarded to the Board.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

## DIVISION FOUR

B128689      Stroud      (Certified for Publication)  
v.  
S.C.L.A.  
People

B128785 Swain  
v.  
S.C.L.A.  
People

Let a writ of prohibition issue restraining the superior court from conducting any proceedings, including trial, against petitioners based upon information number BA115847 other than to set aside and dismiss the information as prayed for in petitioners' section 995 motions. The order to show cause is dissolved. The stay order to remain in effect until this decision becomes final.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Curry, J.

B122723      ICN Pharmaceuticals      (Not for Publication)  
v.  
General Star Indemnity Co.

We conclude that the trial court properly granted summary judgment in favor of Insurer (General Star) on the grounds that the allegations in the Debra action were specifically excluded from coverage. Accordingly, appellant ICN's motion for summary adjudication was properly denied. The judgment is affirmed. Respondent General Star shall recover costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.  
Curry, J.

## DIVISION FOUR (Continued)

B126770      People                          (Not for Publication)  
v.  
Luna

For the foregoing reasons, the judgment is modified to impose and suspend a fine in the sum of \$500 pursuant to Penal Code section 1202.45. As modified the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment in accord with this modification.

Vogel (C.S.), P.J.

We concur: Epstein, J.  
Hastings, J.

[illegible]

For the foregoing reasons, the judgment is modified to award appellant 69 days of presentence custody credit rather than the 249 days awarded by the court. As modified, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

## DIVISION SEVEN

B122214      People  
v.  
Torres

Filed order denying petition for rehearing.

June 29, 1999-Continued

DIVISION SEVEN (Continued)

B122672     People  
              v.  
              Garza

Filed order denying petition for rehearing.